

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STAFON EDWARD THOMPSON,

Case No. 13-CV-1524 (PJS/JJK)

Petitioner,

v.

ORDER

TOM ROY, Minnesota Commissioner of
Corrections,

Respondent.

This matter is before the Court on petitioner Stafon Edward Thompson's motion to proceed on appeal without prepayment of fees. A litigant who seeks to be excused from paying the filing fee for an appeal in a federal case may apply for *in forma pauperis* ("IFP") status. 28 U.S.C. § 1915(a)(1); Fed. R. App. P. 24(a). To qualify for IFP status, a litigant must demonstrate that he cannot afford to pay the full filing fee. 28 U.S.C. § 1915(a)(1). However, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). Good faith is demonstrated when a litigant seeks appellate review of any non-frivolous issue. *Coppedge v. United States*, 369 U.S. 438, 445 (1962).¹

Based on the disclosures in Thompson's IFP application, the Court concludes that he is financially eligible for IFP status. Further, as the Court noted in granting Thompson a certificate

¹The Prison Litigation Reform Act imposes additional restrictions on prisoners seeking to obtain IFP status. For example, a prisoner seeking to appeal a judgment in a civil action without prepayment of fees must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of the notice of appeal. *See* 28 U.S.C. § 1915(a)(2). These additional restrictions, however, do not apply to habeas actions filed pursuant to 28 U.S.C. § 2254. *See United States v. Frausto*, No. 8:08CR263, 2014 WL 297898, at *2 n.1 (D. Neb. Jan. 27, 2014) (compiling cases).

of appealability, the issue raised in Thompson's appeal is one that is "debatable among reasonable jurists." ECF No. 15 at 4 (quotation omitted). Thompson's IFP application is therefore granted.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED that petitioner Stafon Edward Thompson's motion to proceed *in forma pauperis* on appeal [ECF No. 20] is GRANTED.

Dated: April 28, 2014

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge